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TORTS—LIBEL AND SLANDER—PRIVILEGED PUBLICATION.—Plaintiff brought an action for libel alleging that defendant newspaper published a complaint which had been filed in a civil suit against plaintiff, and which contained libellous matter. The defendant pleaded that this was a report of a judicial proceeding and as such entitled to privilege. *Held*, that the complaint was not a judicial proceeding within the rule granting privilege to reports of judicial proceedings. *Meeker v. Post Printing Co.* (Colo. 1913), 135 Pac. 457.

The case is interesting because it is common practice for newspapers to publish complaints or parts of complaints which have been filed. It announces no new rule, as it seems to be settled in this country that pleadings in a suit are not judicial proceedings such as may be published with immunity. To constitute such proceedings some judicial action must be taken thereupon. *Park v. Detroit Free Press Co.*, 72 Mich. 560; *Cowley v. Pulsifer*, 137 Mass. 392; *Metcalf v. Times Publishing Co.*, 26 R. I. 674; *Cincinnati Gazette Co. v. Timberlake*, 10 Oh. St. 548; 1 COOLEY, TORTS (3rd Ed.), 447. However the case seems to apply the rule more directly than has been done hitherto, as the cases cited above are all attended by other circumstances. For instance in *Cincinnati Gazette Co. v. Timberlake*, *supra*, the published report included comment on the allegations of the complaint. Pleadings are however, judicial proceedings from the standpoint of the party pleading, and any statements the party may make in such pleading, if material, are absolutely privileged. A different rule prevails in the case of *ex parte proceedings*, and it has been held that reports of such proceedings are privileged. *Metcalf v. Times Publishing Co.*, *supra*.

WATERS—DIVERTING FLOOD WATERS.—D was the owner of land bordering on a river. P owned adjoining land below that of D but was not a riparian owner, a third party owning a strip of land between P's lot and the river. The bank of the river opposite P's land was about four feet high but above this, on D's land, it was much lower and as a result the river, in times of a freshet, overflowed D's land and ran over P's lot, depositing sediment which was valuable for fertilizing purposes. D, in building a conduit, raised a bank of earth extending from the river bank along the upper line of P's land, which prevented P from getting the benefit of the overflow. D, in raising the bank, did not attempt to divert the water for any purposes connected with his own land but merely to carry it to a reservoir to make it available for sale. P sues D for resulting damages. *Held* that P could recover for damages arising from the diversion of the flood water, such damage not being *damnum absque injuria*. *Thompson v. New Haven Water Co.* (Conn. 1913), 86 Atl. 585.

The facts in this case are novel because they involve the right of a lower proprietor to have the natural flood-flow continued to his land, while in the other cases where the question of flood-water has been considered it has concerned the right of one proprietor to keep flood-waters from his land, thus throwing an additional amount upon the proprietor above, or upon the proprietor across the river, to his damage. However, the court seemed to apply the same rule which would have been applicable if either of the two latter